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November 18, 2015

VIA EMAIL AND FIRST CLASS U.S. MAIL

Carl Brickner
United States Environmental Protection
Agency, Region 9
75 Hawthorne Street, SFD-7-5
10th Floor
San Francisco, CA 94105
Brickner.carl@epa.gov

Re: *Responses to Information Request Pursuant to 42 U.S.C. § 9404(e) Regarding Claims of Coverage under Certain Policies of Insurance*

Dear Mr. Brickner:

Pursuant to my discussion with you and Ms. Hurst, this letter sets forth the responses to the information requests (the "Requests") served by the United States Environmental Protection Agency (the "EPA") upon my client, Alex D. Moglia, as trustee (the "Trustee") of the chapter 7 estate of D/C Distribution, LLC ("D/C"), seeking information relating to the EPA's cleanup of the Oahu Sugar Facility (the "Oahu Site"). As set forth below, certain of the documents in the Trustee's possession that are responsive to the Requests are subject to a Confidentiality Agreement. The Trustee is still working to obtain permission to provide those documents to the EPA.

- 1. For each person answering these questions on behalf of Respondent, provide:**
 - a. Full name**
 - b. Title**
 - c. Business address**
 - d. Business telephone number, fax number and email address**

ANSWER:

The responses have been prepared by the following individuals:

- a. Alex D. Moglia
- b. Trustee
- c. Moglia & Advisors, 1325 Remington Road, Suite H
Schaumburg, IL 60173
- d. (847)-884-8282; (847) 884-1188 (fax); amoglia@mogliaadvisors.com

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- a. Joseph D. Frank
- b. Counsel to the Trustee
- c. FrankGecker LLP, 325 North LaSalle Street, Suite 625, Chicago, Illinois 60654
- d. (312) 276-1400; (312) 276-0035 (fax); jfrank@fglllp.com

- a. Jeremy C. Kleinman
- b. Counsel to the Trustee
- c. FrankGecker LLP, 325 North LaSalle Street, Suite 625, Chicago, Illinois 60654
- d. (312) 276-1400; (312) 276-0035 (fax); jkleinman@fglllp.com

- 2. If Respondent wishes to designate an individual for all future correspondence concerning the Sites, including any legal notices, please so indicate here by providing that individual's name, address, telephone number, fax number and email address.**

ANSWER:

Please direct correspondence to Joseph Frank, FrankGecker LLP, 325 North LaSalle Street, Suite 625, Chicago, Illinois 60654; (312) 276-1400; (312) 276-0035 (fax); jfrank@fglllp.com.

- 3. Provide all policies of insurance issued to AMFAC under which Respondent or D/C Distribution, LLC has made a claim of coverage. If a policy is unavailable, provide all information in your possession about the unavailable policy, including a description of the type of coverage, if known.**

ANSWER:

Enclosed herewith are copies of all insurance policies issued to AMFAC that are currently in the Trustee's possession. In addition, the Trustee has received a chart identifying additional policies of AMFAC, Inc. of which the Trustee is aware. The Trustee received this document from Kaanapali Land, LLC, ("Kaanapali") a successor or affiliate of AMFAC, Inc., pursuant to a Confidentiality Agreement and Kaanapali has not yet consented to the release of this information. In addition, the Trustee is in possession of additional documents prepared by its counsel that contain information derived from this confidential chart (collectively, the "Confidential Documents"). The Trustee and Kaanapali are in continuing discussions regarding the release of these documents and information. The Trustee has asked that Kaanapali provide its consent or articulate its objection on or before December 2, 2015. Thereafter, the Trustee will supplement his production as appropriate.

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- 4. Provide evidence of all claims made (including all alleged losses) under any of the policies identified in response to (4) above.**

ANSWER:

Pursuant to our discussion, and as part of the Trustee's response to request (6) below, we are enclosing a spreadsheet of all known pending claims asserted by claimants represented by the law firm of Brayton Purcell LLP. In order to protect the privacy of the individuals suffering from asbestos-related diseases, the names of the claimants are not included in the spreadsheet of claims. Furthermore, the diseases from which these individuals suffer are color-coded, as explained in the January 22, 2015 correspondence produced in response to request (6). We are also producing a list of known settlements between D/C Distribution, Inc. and/or D/C Distribution, LLC and various asbestos-related personal injury claimants that were completed prior to D/C Distribution, LLC's bankruptcy filing in 2007. It is possible that there are other prepetition settlements with respect to which the Trustee does not have records.

- 5. Provide the correspondence dated on or about October 25, 2012 from Dwight D. Palmer, Jr., FrankGecker LLP, to Mark. D. Plevin, Crowell & Moring LLP, regarding certain FFIC policies, including all attachments and enclosures.**

ANSWER:

The October 25, 2012 correspondence is produced herewith.

- 6. Provide the correspondence dated on or about January 22, 2015 from Dwight D. Palmer, Jr., FrankGecker LLP, to Mark. D. Plevin, Crowell & Moring LLP, regarding certain FFIC policies, including all attachments and enclosures.**

ANSWER:

The January 22, 2015 correspondence (together with its attachments) is produced herewith.

- 7. Identify all settlements by Respondent or D/C Distribution, LLC, that refer to any one or more of the policies identified in response to (3) above, or to the alleged losses identified in response to (4) above, including:**
- a. The date of the settlement;**
 - b. The scope of release provided under such settlement; and**
 - c. The amount of money paid by Respondent pursuant to such settlement.**

ANSWER:

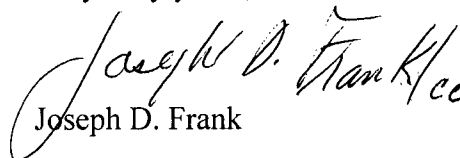
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In early June, 2007, D/C reached a mediated settlement of its dispute with Royal Indemnity Company ("Royal"), resolving all claims against Royal and American & Foreign Insurance Company F in exchange for a payment of \$1,618,000. On June 7, 2007, Gailen Hull, on behalf of Kaanapali sent a letter to Gary Nickle at D/C, providing Kaanapali's consent to the settlement, subject to D/C causing all settlement proceeds to be paid directly to Kaanapali. On June 11, 2007, Gary Nickle executed the Confidential Settlement Agreement and Policy Release on behalf of D/C. Thereafter, all proceeds from the settlement were transferred to Kaanapali.

In addition, the Trustee has records regarding several settlements between D/C and individual claimants. A list of those settlements, identifying the dollars paid and the year of the settlement, is enclosed.

Given that the D/C bankruptcy estate's only nexus with the Oahu Site is one or more shared insurance policies, the Trustee believes that, with the exception of the Confidential Documents, the Trustee has provided sufficient information and documentation to assist the EPA in its investigative and remedial efforts. If there is additional information or documentation that you need from this bankruptcy estate, please contact me to discuss this matter further.

Very truly yours,



Joseph D. Frank

JDF/cc
Enclosure

cc: Alex Moglia (*via email*)
Gary Wencel (*via email*)
Dwight B. Palmer, Jr. (*via email*)
Jeremy C. Kleinman (*via email*)